THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.26638 of 2006

DATED: 22.12.2006

Between:

Dr.M.V. Sridhar, s/o. late M.Subhash.

...

Petitioner

and

The Municipal Corporation of Hyderabad
rep. by its Commissioner and another

...Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.26638 of 2006

ORDER:

The matter is coming up for admission. Heard Sri Harender Prasad, learned counsel representing the Writ Petitioner and Smt. G.Jyothi Kiran, learned Standing Counsel representing respondent Nos.1 and 2.

The Writ Petition is filed for a Writ of Mandamus declaring the action of respondents in not issuing the building permission in respect of premises bearing Municipal No.8-2-293/174/1/6/A on plot No.6 admeasuring 400 Sq. Yards or 334.45 Sq. Meters forming part of Sy.No.129/82 and 129/82, situated at B.N.Reddy Nagar, Road No.14, Banjara Hills, Hyderabad, and also directing the petitioner to furnish 'No Objection Certificate' after obtaining the same from Joint Collector,

Hyderabad, as arbitrary, illegal and violative of Article 14, 21, 300-A of the Constitution of India and principles of Natural Justice, and consequently, direct the respondents authority to process and issue the building permission in respect of Municipal No.8-2-293/174/1/6/A on plot No.6 admeasuring 400 Sq. Yards or 334.45 Sq. Meters forming part of Sy.No.129/82 and 129/83, situated at B.N.Reddy Nagar, Road No.14, Banjara Hills, Hyderabad, and to pass such other suitable orders.

It is stated that the petitioner purchased house property bearing Municipal No. 8-2-293/174/1/6/A on plot No.6 admeasuring 400 Sq. Yards or 334.45 Sq. Meters forming part of Sy.No.129/82 and 129/38, situated at B.N. Reddy Nagar, Road No.14, Banjara Hills, Hyderabad, under a registered sale deed bearing document No. 4525/2005,dated: 23-11-2005.

It is also stated that the petitioner intended to demolish/re-construct/alter the said house property, for which, he applied to the respondents-Corporation vide building permission application form No.432, dated 12.12.2006. It is also stated that the respondents are insisting the petitioner for production of 'No Objection Certificate' from the Joint Collector, Hyderabad.

Several other facts are narrated in detail, however, they need not be dealt with. It is needless to say that this Court repeatedly held that the respondents cannot insist on the production of 'No Objection Certificate' from Revenue Authorities.

In view of the same, the Writ Petition is disposed of directing the respondents to consider the application of the petitioner for building permission in relation to the subject matter of the Writ Petition, without insisting upon for the production of 'No Objection Certificate' from Joint Collector, Hyderabad, in accordance with law, within a

period of four weeks from the date of receipt of a copy of this Order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

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(P.S.NARAYANA, J)

Dt:22.12.2006
vv/bsb